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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 DAVID BARRERA-VALDIVIA,
15 Defendant.
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CASE NO.: 15-CR-2800-JAH

**ORDER DENYING MOTION TO
COMPEL ADDITIONAL
DISCOVERY**

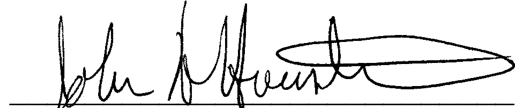
18 On January 26, 2024, Supervisee, David Barrera-Valdivia (“Barrera-
19 Valdivia”), filed a Motion to Compel Additional Discovery, including
20 “Audio/video recordings of Edgar Alejandro German Vega’s interview with
21 Customs and Border Protection Officers,” “Audio/video recordings of Mr. Barrera-
22 Valdivia’s interrogation/interview with Customs and Border Protection Officers,”
23 and “Any evidence indicating that Mr. German Vega did not identify Mr. Barrera-
24 Valdivia, to include any photographic lineups shown to the alleged undocumented
25 person.” Doc. No. 63. On February 5, 2024, the United States responded
26 explaining that no known evidence exists with respect to Barrera-Valdivia’s
27 requests. Doc. No. 67.

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1 “Because courts cannot compel evidence that does not exist,” (*Gaspard v.*
2 *Castillo*, 2011 WL 5511244, at *2 (E.D. Cal. Nov. 10, 2011)), the Court **DENIES**
3 Barrera-Valdivia’s Motion to Compel Additional Discovery.

4 **IT IS SO ORDERED.**

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6 Dated: February 9, 2024



JOHN A. HOUSTON
UNITED STATES DISTRICT JUDGE